

REMARKS

Applicants respectfully request favorable reconsideration of this application.

The undersigned respectfully requests an interview with the Examiner prior to further action on this application. The Examiner is requested to telephone the undersigned (at 703-610-8652) to arrange an interview at the Examiner's earliest convenience.

The continued allowance of Claims 2 and 5-8 is acknowledged with appreciation. Claims 9-13 have again been rejected over Fukushima, the Examiner having clarified several points of the previous rejection (which clarifications are appreciated). However, Applicants respectfully submit that the present rejection reflects a flawed interpretation of the reference.

The rejection equates Fukushima's plates 3 with the friction plates of the torque limiter in Claim 9. It is apparent, however, that Fukushima's plates 3 have no torque limiting function. Rather, the torque limiting function is provided by engagement of balls 52 with depressions 53 formed in case 1. Since Fukushima's plates 3 do not limit torque, they cannot properly be equated with the friction plates of the torque limiter recited in Claim 9. Claim 9 explicitly recites that the friction plates of the torque

limiter are provided with wet-type friction material which limits the torque that can be transmitted through the damper.

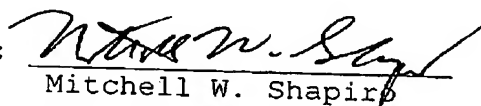
The rejection on Fukushima is therefore untenable and should be withdrawn. Claim 9 should be allowed accordingly.

Dependent Claims 10-13 are allowable for at least the same reasons as Claim 9. As to Claim 10, the Office Action asserts that Fukushima's plates 3 are pressed by spring 55. However, spring 55 evidently presses balls 52 and not plates 3. As to Claim 11, the rejection proposes to replace Fukushima's balls 52 with a plate. Such a modification would require a wholesale reconstruction of Fukushima and would require discarding "an essential part" (see col. 3, lines 1-2) of Fukushima's design -- clearly an impermissible hindsight reconstruction of the reference. Furthermore, as Fukushima's balls 52 are not between alleged friction plates 3, the proposed modification is irrelevant to Claim 11. Note also that Claim 11 is dependent from Claim 10, the rejection of which is erroneous as noted above. Claims 12 and 13 depend from Claim 11 and inherit the distinctions thereof.

For the reasons set forth above, it is respectfully requested that the rejection of Claims 9-13 be withdrawn and that this application now be passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-9598) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 6, 2009.


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